UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/666,660	09/17/2003	Michael Thomas Benhase	TUC9-2003-0021US1	8984

45216	7590	04/12/2006

KUNZLER & ASSOCIATES
8 EAST BROADWAY
SUITE 600
SALT LAKE CITY, UT 84111

EXAMINER
MCCARTHY, CHRISTOPHER S

ART UNIT	PAPER NUMBER
2113	

DATE MAILED: 04/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	10/666,660	BENHASE ET AL.
	Examiner	Art Unit	
	Christopher S. McCarthy	2113	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>*17 September 2003*</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>*1-30*</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>*1-30*</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>*17 September 2003*</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>9/17/03</u>.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____ .

DETAILED ACTION

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless —
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2.   Claims 1-3, 5-6, 1316, 18-19, 20-23, 25-29 are rejected under 35 U.S.C. 102(b) as being

anticipated by Hardjono U.S. Patent 6,425,004.

As per claim 1, Hardjono teaches an apparatus for identifying a faulty communication

module, the apparatus comprising: a communication module configured to associate an identifier

for the communication module with a data packet (column 2, lines 15-17); a storage module in

communication with the communication module and configured to store the data packet (column

2, lines 26-41, wherein the packet is stored in the receiving module input port buffer/queue); and

a validation module in communication with the storage module, the validation module

configured to determine that the data packet is corrupt and identify the faulty communication

module with the use of the identifier (column 2, lines 42-55, 35-38, column 8, lines 31-39;

column 1, lines 50-53).

As per claim 2, Hardjono teaches the apparatus of claim 1, wherein the validation module is configured to report the faulty communication module identified by the identifier (column 3, lines 58-60).

As per claim 3, Hardjono teaches the apparatus of claim 1, wherein the validation module is configured to retrieve the data packet from the storage module (column 2, lines 24-55, figure 11, wherein the logic retrieves the data from the receiver storage (input port buffer)).

As per claim 5, Hardjono teaches the apparatus of claim 1, wherein the storage module is configured to take the faulty communication module off-line (column 3, lines 58-60, wherein isolation is the disabling or disconnection of the node from the network).

As per claim 6, Hardjono teaches the apparatus of claim 1, wherein the identifier comprises an identifier unique to the communication module (column 2, lines 11-12).

As per claim 13, Hardjono teaches a method for identifying a faulty communication module, the method comprising: associating an identifier for a communication module with the data packet (column 2, lines 15-17); and identifying the faulty communication module with the use of the identifier (column 2, lines 26-55).

As per claim 14, Hardjono teaches the method of claim 13, further comprising reporting the faulty communication module associated with the identifier (column 3, lines 58-60).

As per claim 15, Hardjono teaches the method of claim 13, further comprising determining that the data packet is corrupt (column 2, lines 36-38).

As per claim 16, Hardjono teaches the method of claim 13, further comprising retrieving the data packet from a storage module (column 2, lines 24-55).

As per claim 18, Hardjono teaches the method of claim 13, further comprising taking the faulty communication module off-line (column 3, liens 58-60).

As per claim 19, Hardjono teaches the method of claim 13, further comprising generating a unique identifier for the communication module (column 2, lines 11-12).

As per claim 20, Hardjono teaches an apparatus for identifying a faulty communication module, the apparatus comprising: means for associating an identifier for a communication module with the data packet (column 2, lines 15-17); and identifying the faulty communication module with the use of the identifier (column 2, lines 26-55).

As per claim 21, Hardjono teaches the apparatus of claim 20, further comprising means for reporting the faulty communication module associated with the identifier (column 3, lines 58-66).

As per claim 22, Hardjono teaches the apparatus of claim 20, further comprising means for determining that the data packet is corrupt (column 2, lines 36-38).

As per claim 23, Hardjono teaches the apparatus of claim 20, further comprising means for retrieving the data packet from a storage module (column 2, lines 24-55).

As per claim 25, Hardjono teaches the apparatus of claim 20, further comprising means for taking the faulty communication module off-line (column 3, lines 58-60).

As per claim 26, Hardjono teaches the apparatus of claim 20, further comprising means for generating a unique identifier for the communication module (column 2, lines 11-12).

As per claim 27, Hardjono teaches an article of manufacture comprising a program storage medium readable by a processor and embodying one or more instructions executable by a processor to perform a method for identifying a faulty communication module, the method

comprising: associating an identifier for a communication module with the data packet (column 2, lines 1-17); and identifying the faulty communication module with the use of the identifier (column 2, lines 26-55).

As per claim 28, Hardjono teaches the article of manufacture of claim 27, further comprising reporting the faulty communication module associated with the identifier (column 3, lines 58-60).

As per claim 29, Hardjono teaches the article of manufacture of claim 27, further comprising retrieving the data packet from a storage module (column 2, lines 24-55).

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4.   Claims 7-9, 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hardjono in view of *Microsoft Computer Dictionary* (referred hereon as Microsoft).

As per claim 7, Hardjono teaches the system for identifying a faulty communication module, the system comprising: a computer configured to send and receive data packets; and a computer in communication with the computer host, the server comprising a communication module configured to receive the data packets and associate an identifier for the communication module with the data packets, a storage module configured to store the data packets, and a

validation module configured to determine that one of the data packets is corrupt and identify the faulty communication module that corrupted the data packet with the use of the identifier (column 2, lines 15-17; column 7, lines 42-56; column 2, lines 26-55; column 3, lines 58-60). However, Hardjono does not explicitly teach wherein the computers are a host and server. Microsoft does teach wherein a computer can be a host and a server (page 221, wherein a host computer can also serve as a server on a network). It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the computers of Hardjono as a host and/or a server. One of ordinary skill in the art would have been motivated to utilize the computers of Hardjono as a host and/or a server because Microsoft teaches that a host/server computer is one that provides access to other computers on the network; and explicit desire in Hardjono (column 1, lines 11-13; column 2, lines 1-3, wherein he teaches his computers to be communication devices on a network that propagate data from one to another).

As per claim 8, Hardjono teaches the system of claim 7, wherein the validation module reports that the communication module associated with the identifier is faulty (column 3, lines 58-60).

As per claim 9, Hardjono teaches the system of claim 7, wherein the validation module retrieves the data packets from the storage module (column 2, lines 24-55).

As per claim 11, Hardjono teaches the system of claim 7, wherein the storage module is further configured to take the faulty communication module off-line (column 3, lines 58-60).

As per claim 12, Hardjono teaches the system of claim 7, wherein the identifier comprises an identifier unique to the communication module (column 2, lines 11-12).

5.   Claims 4, 17, 24, 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Hardjono in view of Goldberg et al. U.S. Patent Application Publication US2003/0115516.

As per claim 4, Hardjono teaches the apparatus of claim 1. Hardjono does not teach

wherein the communication module is configured to verify a longitudinal redundancy check for

the data packet. Goldberg does teach wherein the communication module is configured to verify

a longitudinal redundancy check for the data packet (paragraph 0032). It would have been

obvious to one of ordinary skill in the art at the time the invention was made to use the LRC

error detection process of Goldberg in the packet error detection process of Hardjono. One of

ordinary skill in the art at the time the invention was made would have been motivated to use the

LRC error detection process of Goldberg in the packet error detection process of Hardjono

because Goldberg teaches the LRC method as an effective way to detect errors in a packet driven

network (paragraphs 0006, 0032); this is an explicit desire of Hardjono (column 2, lines 36-38).

As per claim 17, Hardjono teaches the method of claim 13. Hardjono does not teach it

further comprising verifying a longitudinal redundancy check for the data packet. Goldberg does

teach wherein the communication module is configured to verify a longitudinal redundancy

check for the data packet (paragraph 0032). It would have been obvious to one of ordinary skill

in the art at the time the invention was made to use the LRC error detection process of Goldberg

in the packet error detection process of Hardjono. One of ordinary skill in the art at the time the

invention was made would have been motivated to use the LRC error detection process of

Goldberg in the packet error detection process of Hardjono because Goldberg teaches the LRC

method as an effective way to detect errors in a packet driven network (paragraphs 0006, 0032); this is an explicit desire of Hardjono (column 2, lines 36-38).

As per claim 24, Hardjono teaches the apparatus of claim 20. Hardjono does not teach it further comprising means for verifying a longitudinal redundancy check for the data packet. Goldberg does teach wherein the communication module is configured to verify a longitudinal redundancy check for the data packet (paragraph 0032). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the LRC error detection process of Goldberg in the packet error detection process of Hardjono. One of ordinary skill in the art at the time the invention was made would have been motivated to use the LRC error detection process of Goldberg in the packet error detection process of Hardjono because Goldberg teaches the LRC method as an effective way to detect errors in a packet driven network (paragraphs 0006, 0032); this is an explicit desire of Hardjono (column 2, lines 36-38).

As per claim 30, Hardjono teaches the article of manufacture of claim 27. Hardjono does not teach it further comprising verifying a longitudinal redundancy check for the data packet. Goldberg does teach wherein the communication module is configured to verify a longitudinal redundancy check for the data packet (paragraph 0032). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the LRC error detection process of Goldberg in the packet error detection process of Hardjono. One of ordinary skill in the art at the time the invention was made would have been motivated to use the LRC error detection process of Goldberg in the packet error detection process of Hardjono because Goldberg teaches the LRC method as an effective way to detect errors in a packet driven network (paragraphs 0006, 0032); this is an explicit desire of Hardjono (column 2, lines 36-38).

6.   Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hardjono in view

of Microsoft in view of Goldberg.

As per claim 10, Hardjono in view of Microsft teaches the system of claim 7. Hardjono

in view of Microsoft does not teach wherein the communication module verifies a longitudinal

redundancy check for the data packet. Goldberg does teach wherein the communication module

is configured to verify a longitudinal redundancy check for the data packet (paragraph 0032). It

would have been obvious to one of ordinary skill in the art at the time the invention was made to

use the LRC error detection process of Goldberg in the packet error detection process of

Hardjono. One of ordinary skill in the art at the time the invention was made would have been

motivated to use the LRC error detection process of Goldberg in the packet error detection

process of Hardjono because Goldberg teaches the LRC method as an effective way to detect

errors in a packet driven network (paragraphs 0006, 0032); this is an explicit desire of Hardjono

(column 2, lines 36-38).

Conclusion

7.   The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure: See attached PTO-892.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Christopher S. McCarthy whose telephone number is (571)272-

3651. The examiner can normally be reached on M-F, 9 - 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Beausoliel can be reached on (571)272-3645. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

csm
April 6, 2006

ROBERT BEAUSOLIEL
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100